

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

Plaintiff,

v.

UZUNOV TRUCKING, LLC, a Washington
limited liability company,

Defendant.

NO. C09-0348-JCC

JUDGMENT

Summary of Judgment

Judgment Creditor:	Northwest Administrators, Inc.
Judgment Debtor:	Uzunov Trucking, LLC
Principal Judgment Amount:	\$3,346.03
Interest to Date of Judgment:	\$31.39
Attorneys Fees:	\$502.50
Costs:	\$402.00
Other Recovery Amounts:	NONE
Post-judgment Interest on Principal:	Four percent (4%) per annum
Interest Rate on Fees and Costs:	NONE
Attorneys for Judgment Creditor:	Reid, Pedersen, McCarthy & Ballew, L. L. P.

THIS MATTER comes before the Court on Plaintiff's Motion for Default Judgment against the Defendant (Dkt. No. 8.) The Court has reviewed the records and files herein, including the affidavit of Plaintiff's attorney, Russell J. Reid and the exhibits thereto in support of Plaintiff's motion. (*Id.*)

Being fully advised, the Court ORDERS that Plaintiff be and hereby is awarded judgment against Defendant in the following amounts: \$2,788.36 in delinquent contributions, \$557.67 in liquidated damages (20% of delinquent contributions, as per Trust Fund Agreement (Dkt. No. 8 at 12)), \$31.39 in prejudgment interest,¹ \$502.50 in attorneys' fees, and \$402.00 in costs; all for a total of \$4,281.92, together with interest accruing thereupon at the rate of four percent (4%) per annum from the date of entry hereof until fully paid. These amounts are due the Plaintiff's Trust by Defendant for its inclusive employment of members of the bargaining unit represented by Local 38, with which the Defendant has a valid collective bargaining agreement.

Since the foregoing contribution amounts are based on information provided Plaintiff in the Defendant's remittance reports alone and those amounts have not been verified through an independent audit, this judgment shall not foreclose Plaintiff, based on res judicata principles or other legal principles, from collecting additional contributions, liquidated damages, interest and attorneys fees for the time period November 2008 through March 2009, if a future audit or some other source reveals that Defendant owes the Plaintiff additional amounts for said period, or from collecting contributions, liquidated damages, interest, attorney's fees and costs for any period other than November 2008 through March 2009.

//

¹ Plaintiff's attorney's affidavit incorrectly states that the Trust Agreement provides for delinquent payments to accrue interest at a rate of twelve percent (12%) per annum. (Dkt. No. 8 at 3.) Instead, the Agreement states that "interest on Employer Contributions that are delinquent on a specific day shall be computed at the annual underpayment rate of interest applicable on that date under section 6621 of the [Tax] Code as amended from time to time, without compounding." (Dkt. No. 8 at 14.) The annual underpayment rate of interest was six percent (6%) from October 1, 2008, until December 31, 2008; five percent (5%) from January 1, 2009, until March 31, 2009; and four percent (4%) from April 1, 2009, until the date of this judgment. *See* Rev. Rul. 2009-7, at 7, *available at* <http://www.irs.gov/pub/irs-drop/rr-09-07.pdf>. Based on these interest rates, the Court calculates the total interest owed to be \$31.39, as of May 5, 2009, as computed in the attached spreadsheet.

JUDGMENT ENTERED this 5th day of May, 2009.

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE

Quarter	Int. Rate								
Q4 08	6%	10/1/08 - 12/31/08							
Q1 09	5%	1/1/09 - 3/31/09							
Q2 09	4%	4/1/09 - 6/30/09							
Month	Due Date	Amt. Due	Days due in Q4 08	Q4 08 int.	Days due in Q1 09	Q1 09 int.	Days due in Q2 09	Q4 09 int.	Q4+Q1+Q2
Nov.	12/10/08	557.67	21	\$1.93	90	\$6.88	35	\$2.67	\$11.47
Dec.	1/10/09	403.38	0	\$0.00	80	\$4.42	35	\$1.93	\$6.35
Jan.	2/10/09	497.68	0	\$0.00	49	\$3.34	35	\$2.39	\$5.73
Feb.	3/10/09	771.76	0	\$0.00	21	\$2.22	35	\$3.70	\$5.92
Mar.	4/10/09	557.67	0	\$0.00	0	\$0.00	25	\$1.91	\$1.91
Total int.:									\$31.39